

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 23 2009

JAMES R LARSEN, CLERK  
DEPUTY  
YAKIMA, WASHINGTONRequest for Modifying the Conditions or Term of Supervision  
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Deandre Gaither

Case Number: 2:04CR00212-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 6/30/2005

Type of Supervision: Supervised Release

Original Offense: Distribution of 5 Grams or More of  
a Mixture or Substance Containing Cocaine Base, 21  
U.S.C. § 841(a)(1)

Date Supervision Commenced: 12/04/2009

Original Sentence: Prison - 71 Months; TSR - 48  
Months

Date Supervision Expires: 12/03/2013

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PETITIONING THE COURT

To modify the conditions of supervision as follows:

18 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

19 You shall reside in a residential reentry center (RRC) for a period of up to 180 days. You shall abide by the rules and requirements of the facility and shall participate in programs offered by the facility at the direction of the supervising officer.

## CAUSE

Deandre Gaither released from Bureau of Prisons' custody on December 4, 2009. Mr. Gaither reported to the U.S. Probation Office in Spokane, Washington, on December 7, 2009, at which time he was taken into custody as a result of an outstanding warrant from Spokane County. Upon his anticipated release from custody, Mr. Gaither will not have stable housing or employment, therefore, the undersigned is requesting placement at a residential reentry center for a period of up to 180 days. It is anticipated by allowing Mr. Gaither to participate at the RRC for the designated period, he will develop a release plan appropriate for transitional purposes.

In addition, the purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

It is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adopted to require Deandre Gaither to reside in, and satisfactorily participate in a RRC as a condition of supervised release, up to 180 days, as well as to modify his urine testing condition.

Prob 12B

**Re: Gaither, Deandre**  
**December 21, 2009**  
**Page 2**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/21/2009

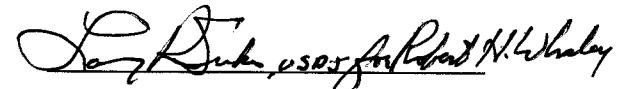
s/Tommy Rosser

Tommy Rosser  
U.S. Probation Officer

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THE COURT ORDERS

No Action  
 The Extension of Supervision as Noted Above  
 The Modification of Conditions as Noted Above  
 Other



Signature of Judicial Officer

12/23/09

Date